

FAX TRANSMISSION

DATE: September 30, 2005 **User ID** 01533
CLIENT NO.: HO-P01899US3 / 09906355 / U.S. Application Serial No. 09/980,381
MESSAGE TO: Michael Wilson
COMPANY: United States Patent and Trademark Office
FAX NUMBER: (571) 273-0738
PHONE: (571) 272-0738
FROM: Melissa L. Sistrunk
PHONE: (713) 651-3735

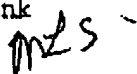
PAGES (Including Cover Sheet): 3 **HARD COPY TO FOLLOW:** ☒ YES ☐ NO

MESSAGE:

Dear Mike,

Please see the attached document. Thanks.

Melissa L. Sistrunk



If your receipt of this transmission is in error, please notify this firm immediately by collect call to sender at (713) 651-3735 and send the original transmission to us by return mail at the address below.

This transmission is intended for the sole use of the individual and entity to whom it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. You are hereby notified that any dissemination, distribution or duplication of this transmission by someone other than the intended addressee or its designated agent is strictly prohibited.

FULBRIGHT & JAWORSKI L.L.P.

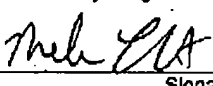
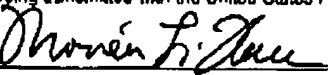
Fulbright Tower, 1301 McKinney, Suite 5100, Houston, Texas 77010-3095
Telephone: (713) 651-5151 **Facsimile:** (713) 651-5246

PTO/SB/26 (09-04)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) HO-P01899US3
<p>In re Application of: Huda Y. Zoghbi et al.</p> <p>Application No.: 09/980,381</p> <p>Filed: June 1, 2000</p> <p>COMPOSITIONS AND METHODS FOR THE THERAPEUTIC USE OF AN ATONAL-</p> <p>For: ASSOCIATED SEQUENCE FOR DEAFNESS, OSTEOARTHRITIS AND ABNORMAL CELL PROLIFERATION</p> <p>The owner, BAYLOR COLLEGE OF MEDICINE, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. 6,838,444 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>45,579</u></p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">  _____ Signature </div> <div style="text-align: center;"> <u>Sept. 30, 2005</u> _____ Date </div> </div> <div style="text-align: center; margin-top: 10px;"> _____ Melissa L. Sistrunk Typed or printed name </div> <div style="text-align: right; margin-top: 10px;"> _____ (713) 651-3735 Telephone Number </div> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p><small>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</small></p>	
<p style="text-align: center;">Terminal Disclaimer</p> <p>I hereby certify that this correspondence is being transmitted with the United States Patent and Trademark Office via Facsimile on the date shown below.</p> <p>Dated: September 30, 2005 Signature:  (Monica L. Thomas)</p>	

25546983.1

PTO/SB/97 (09-04)

Approved for use through 07/31/2006, OMB 0651-0031

U. S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

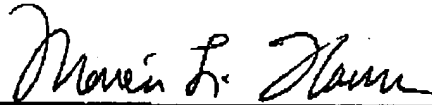
Application No. (if known): 09/980,381

Attorney Docket No.: HO-P01899US3

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office.

on September 30, 2005
Date



Signature

Monica L. Thomas

Typed or printed name of person signing Certificate

Registration Number, if applicable

(713) 651-3735
Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Terminal Disclaimer